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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Peter Tavernese Jr.	Examiner:	Nguyen, Quynh H.
Serial No.:	09/745,305	Group Art Unit:	2642
Filed:	December 21, 2000	Confirmation No:	2060

Title: **CUSTOMER SERVICE RESPONSE SYSTEM FOR INTERACTION WITH CUSTOMER SERVICE AGENTS**

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEALLANTS' BRIEF PURSUANT TO 37 C.F.R. § 41.37

In accordance with a Notice of Appeal, filed on February 13, 2007, Applicants submit this Appellants' brief.

1. **Fee**: Enclosed herewith are a check for the fee of $500.00 for filing of a brief in support of an appeal and a check for the fee of $120.00 for one-month extension of time to file the brief.

2. **Real Party-in-Interest**: All rights to the above referenced patent application have been assigned to:

Nortel Networks Limited
World Trade Center of Montreal
380 St. Antoine Street West, 8th Floor
Montreal, Quebec H2Y 3Y4, CANADA

3. **Related Appeals and Interferences**: There are no known other appeals or interferences that would directly or indirectly affect the Board's decision in the present appeal.

4. **Status of the Claims of U.S. Patent Application Serial No. 09/745,305("'305 application")**:

Claims 1 and 3-29 are pending.

Claims 1 and 3-29 stand rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,884,032 to Bateman et al. (hereinafter, "Bateman") in view of U.S. Patent No. 5,327,486 to Wolff et al. (hereinafter, "Wolff").

5. **Status of Amendments**:

(a) A First Office Action was mailed July 2, 2003.

(b) A Response to the First Office Action was filed October 2, 2003, traversing the Examiner's rejections.

(c) A Second Office Action was mailed December 22, 2003.

(d) A Response to the Second Office Action was filed March 24, 2004, traversing the Examiner's rejections.

(e) A Third Office Action was mailed June 18, 2004.

(f) A Response to the Third Office Action was filed September 17, 2004, traversing the Examiner's rejections.

(g) A Final Office Action was mailed April 22, 2005.

(h) An Interview with the Examiner was conducted on June 30, 2005, again traversing the Examiner's rejections.

(i) A response to the Final Office Action was filed July 12, 2005, traversing the Examiner's rejections.

(j) An Advisory Action was mailed August 9, 2005.

(k) A Request for Continued Examination was filed August 22, 2005, traversing the Examiner's rejections.

(l) An Office Action was mailed October 27, 2005.

(m) A Response to the October 27, 2005 Office Action was filed January 27, 2006, traversing the Examiner's rejections.

(n) An Office Action was mailed April 19, 2006.

(o) A Response to the April 19, 2006 Office Action was filed July 19, 2006, traversing the Examiner's rejections.

(p) A Final Office Action was mailed October 13, 2006.

(q) A Response to the October 13, 2006 Final Office Action was filed December 13, 2006, traversing the Examiner's rejections.

(r) An Advisory Action was mailed January 11, 2007.

(s) Notice of Appeal was filed February 13, 2007.

(t) No claim amendment was filed after either the October 13, 2006 Final Office Action or the January 11, 2007 Advisory Action.

6. **Summary of the Claimed Subject Matter**:

The present invention is directed to customer service response systems. Some embodiments of the present invention are directed to a customer service response system which enables a customer service agent to selectively automate a portion of the response.

(Specification, Page 1, lines 5-7). The present invention provides an ability to simultaneously communicate with multiple customers. (Specification, Page 2, lines 9-10).

Some embodiments of the present invention include a call center that has a customer service response system ("CSRS") capable of responding to an incoming telephone call from a calling party by playing a message to the calling party and a graphical user interface ("GUI") in electrical communication with the CSRS. The GUI is configured to receive and display information from the CSRS. The information received from the CSRS originates from the calling party. (Specification, Page 2, lines 11-15).

According to some embodiments of the present invention, a caller places a phone call to the customer service call center that employs CSRS. CSRS may answer the call. Alternatively, a customer service agent may answer the call directly. (Specification, Page 4, lines 5-10).

CSRS may play a greeting, when it answers the call. It can also provide automated menu information. (Specification, Page 4, lines 11-12). Based on the options chosen by the caller, CSRS may prompt the caller to provide some preliminary information (e.g., account number, a name, etc.). CSRS may have voice-recognition software that can translate caller's voice signals into digital information. Alternatively, the caller may use a touch tone keypad to provide the information. (Specification, Page 4, lines 15-20).

CSRS may also repeat inputted information back to the caller. If the information was not correctly entered into the system, the caller may be provided with an option to re-enter the information. (Specification, Page 4, line 20 to Page 5, line 1).

CSRS may pass inputted information to the customer service agent or it may act upon the information. It may contact a credit card authorization center when a caller is attempting to purchase an item by phone. CSRS may provide an approval message to the customer directly or

to the customer service agent. It may also forward the call to an appropriate person. (Specification, page 5, lines 2-12).

Inputted information passed from CSRS may appear on the agent's computer display in a in a pop up window or in a default window that has been previously opened. (Specification, Page 5, lines 14-15).

The customer service agent may continue to utilize CSRS through a Graphic User Interface ("GUI") on a telephone, computer, or telephone adjunct device without speaking to the caller. The agent can press a graphical button or a soft-key associated with a message to be sent to the caller, where the messages come from a list of stock, customized, or customizable messages. (Specification, Page 5, lines 17-22). This allows the agent to simultaneously service multiple callers. (Specification, Page 6, lines 9-12).

Based on the message (or the prompt contained in the message), the CSRS may then voice-prompt the caller for information requested in the message. The voice prompt may be a computerized voice, agent's voice, or a third party's voice or some combination thereof. Once the caller speaks the requested information (or keys it in using a telephone keypad), the CSRS forwards the information as a sound file or, alternatively, it may use its voice-recognition software to convert the information and forward it in a pop up or default window to the agent. (Specification, Page 6, lines 1-7).

CSRS may also be used in Internet chat sessions. The customer service agent may also simultaneously handle multiple chat sessions. The GUI can be partitioned into several windows, where each window contains individual pop-up windows with information relating to different callers. (Specification, Page 6, lines 18-22).

Applicants note that claims 1 and 3-29 stand and fall together. However, as required by MPEP 1205, 37 C.F.R. 41.37(c)(1)(v), Applicants provide herewith specification reference points for each element in the independent claim 1. Applicants note that these reference points are for exemplary purposes only and are not intended to limit the scope of claim 1. Further, these reference points are applicable to the remaining independent claims 16, 27 and 28.

At least, page 2, lines 11-15 and page 4, lines 5-10 of the present application's specification describe the preamble of claim 1: "Apparatus for caller information retrieval." At least page 4, lines 5-14 of the present application's specification describe: "a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to said calling party." At least page 5, line 17 to page 6, line 7 of the present application's specification describe: "a graphical user interface (GUI) electrically coupled to said CSRS and configured to receive and display information from said CSRS." At least page 2, line 15 and page 4, line 15 to page 5, line 1 of the present application's specification describe: "wherein said information received from said CSRS originates from said calling party." At least page 5, line 21 to page 6, line 3 and page 6, lines 15-17 of the present application's specification describe: "wherein via a soft-key or graphical button, said GUI is configured to selectively initiate another message being sent from said CSRS to said calling party."

7. **Grounds of Rejection to be Reviewed on Appeal**:

Applicants contend that claims 1 and 3-29 are patentable and are not rendered obvious under 35 U.S.C. 103(a) by a combination of Bateman and Wolff.

8. **Argument**:

A. Independent claims 1, 16, 27 and 28 are not rendered obvious under 35 U.S.C. 103(a) by combination of Bateman and Wolff.

In the October 13, 2006 Final Office Action, the Examiner stated

> Regarding claim 1, Bateman et al. teach a customer service response system (CSRS) (Fig. 1, 24) capable of responding to an incoming call from a calling party (Fig. 1, 8) by playing a message to the calling party (col. 9, lines 33-35 - where Bateman discussed IVR play greeting message to calling party); a graphical user interface (Fig. 1, workstation 18; col. 5, lines 26-27) electrically coupled to the CSRS and configured to receive and display information from the CSRS origin[ating] from the calling party (col. 8, lines 62-65; col. 9, lines 10-12; col. 5, lines 35-36; col. 6, lines 25-27 and lines 31-32 - where Bateman discussed computer 18 capable of supporting a graphical browser that coupled to the call center 24 ("CSRS") which handles request originates from customers ("calling party")).
>
> Bateman et al. do not specifically teach via a soft-key or graphical button of the GUI is configured to selective[ly] initiate another message being sent from the CSRS to the calling party.
>
> However, since customers and agents can communicate using email (col. 7, lines 16-20), it would have been obvious that an agent from the ACD may easily initiate another message and click the send button to send to the calling party. This feature is notoriously well known in the art of ACDs. The feature of using a soft-key or graphical button on the GUI to initiate a message being sent from the CSRS to the calling party is taught by Wolff (abstract; col. 4, line 55 through col. 5, line 12). (Final Office Action, pages 2-3).

Additionally, in the Advisory Action, the Examiner stated

> Applicant requests Examiner to provide a reference to support the notoriously well known in the art of ACD the feature of using a soft-key or graphical button on the GUI to initiate a message being sent from th[e] CSRS to the calling party. Examiner respectfully submits that the features are taught by Wolff (Fig. 8; col. 6, lines 37-45; col. 4, line 55 through col. 5, line 12). (Advisory Action, page 2).

Applicants respectfully disagree with the Examiner's assertions above. Contrary to the Examiner's suggestions, neither Bateman, nor Wolff, nor their combination disclose, teach, or suggest all elements of the rejected claims 1 and 3-29.

Claim 1 recites, *inter alia*, an apparatus for caller information retrieval that includes a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

Bateman discloses a customer contact channel changer that automatically provides a live telephone connection between a customer using an organization's multimedia services to the organization's ACD agent. (Bateman, Col. 4, lines 53-57). Bateman's system includes customer premises, an ACD agent workstation, a call centre, and the call centre's multimedia server. (Bateman, Col. 4, lines 57-59). Bateman's workstation is equipped with an ACD telephone set from which a variety of calls can be answered, a personal computer capable of supporting a graphical WWW/HTML browser, a telephone line and computer communications line for communicating with the call centre and WWW server via data network. (Bateman, Col. 5, lines 24-30). Bateman's call centre receives messages and passes a telephone number, time stamp, and URL to the outbound preview dialing system in the call centre via CGI interface and data net. (Bateman, Col. 6, lines 31-41). Bateman also includes a multimedia message manager ("MMM") that communicates with the call centre ACD-MIS system to get estimated anticipated caller wait times, allows Web browsing of information sources related to the call centre such as the voice mailbox associated with the call centre agent. (Bateman, Col. 7, lines 28-41). When a customer makes a multimedia call, Bateman initiates a series of steps to set up a call to either an ACD group or an individual. Bateman's system connects the customer and the call centre by dialing

both parties and then distributing the call to an ACD agent workstation. (Bateman, Col. 8, lines 50-61). When ACD agent answers the call, the customer's URL and/or CLID are forwarded so that a customer's relevant screen is appearing on the agent's PC or terminal at the same time. (Bateman, Col. 8, lines 62-65). Bateman's screen pop-up software takes the telephone numbers provided by the CLID box and looks up the corresponding customer records in a database, and displays them on the screen. (Bateman, Col. 9, lines 10-12). If all agents are busy, Bateman's IVR system provides additional information options to the customer allowing the customer to interact with ADSI enhanced IVR system. (Bateman, Col. 9, lines 33-36 and lines 42-48).

In addition to the Examiner's admission that Bateman fails to disclose wherein a soft-key or graphical button, the graphical user interface ("GUI") is configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1, Bateman also fails to disclose a GUI electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS original from the calling party. Instead, Bateman's forwards customer's URL and/or CLID information to the agent's workstation. Based on that information, separate screen-pop software takes the telephone number provided by the CLID box and retrieves information stored in Bateman's database records. Thus, the information is obtained from a separate source other than the customer and/or the calling party. As such, the information received from the CSRS does not originate from the calling party, contrary to the recitation of claim 1.

Wolff does not cure the deficiencies of Bateman. Wolff discloses a personal telephone manager for managing telephone calls between a called party and a calling party through the use of an out-of-band, wireless, two-way signaling, messaging and alerting. (Wolff, Col. 3, lines 26-29). Wolff's telephone manager reads and decodes an automatic number identification number of

the calling party and consults the end user's personal data base to translate the calling number information into the name of the caller. (Wolff, Col. 3, lines 51-55). This is in contrast to the present invention, where the information received from the CSRS originates from the calling party, as recited in claim 1. Thus, Wolff's deficiencies are similar to Bateman's in that both systems obtain calling party information from their own databases rather than obtaining it from the calling party.

Further, in Wolff, the called party (i.e., the end user) selects a desired response or reply message in response to prompts generated by Wolff's palm-top application program. (Wolff, Col. 4, lines 43-46). To respond to prompts, the end user sends a message to Wolff's personal telephone manager with instructions to either reject the call, route the call to voice mail, route the call to a different person, etc. (Wolff, Col. 4, line 55 to Col. 5, line 6). This is different than having a GUI being configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1. In Wolff, the called party instructs the personal telephone manager how to route the received call, rather than having a GUI selectively initiate another message that is sent from CSRS to the calling party.

Applicants respectfully submit that the Examiner's references to Wolff in the October 13, 2006 Final Office Action and the Advisory Action provided in support of his assertion that the recitation of claim 1 of "wherein via soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party" is notoriously well known in the art of ACD (See, Final Office Action, page 3; Advisory Action, page 2) are flawed. The Examiner points to Wolff's FIG. 8, Col. 6, lines 37-45 and Col. 4, line 55 to Col. 5, line 12 to support his assertions.

In the cited portions, Wolff discloses a two-way wireless data messaging system in which an end-user of portable computer only transmits text messages to a caller (i.e., via the end-user's "electronic receptionist") when the end-user does not wish to establish a voice communication with the caller (e.g., FIG. 9 shows a message indicating that the end-user will return the call at a later time). Alternatively, when the end-user of computer desires to establish a voice connection with a caller, the end-user sends a text message to the end-user's electronic receptionist, and not the caller, instructing the receptionist to establish the voice connection to a telephone number identified by the end-user (e.g., FIG. 7). But, Wolff fails to disclose, teach or suggest wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

Thus, neither Bateman nor Wolff disclose, teach or suggest all elements of claim 1, and claim 1 should be allowed.

Improper to Combine References

There is no motivation or suggestion to combine Bateman and Wolff to produce the claimed invention. Bateman discloses a multimedia message manager ("MMM") that allows the agent or supervisor to scan large volumes of voice-mail messages, email messages, WWW form request, etc. and prioritize and schedule call backs from a combined hotlist. (Bateman, Col. 7, lines 38-42). In contrast, Wolff teaches a personal telephone manager for managing telephone calls between a called party and a calling party through the use of an out-of-band, wireless, two-way signaling, messaging and alerting. (Wolff, Col. 3, lines 26-29).

The portions of Wolff cited by the Examiner (i.e., Fig. 8; Col. 6, lines 37-45 and Col. 4, line 55 to Col. 5, line 12) provide no motivation to modify Bateman or combine teachings of Bateman and Wolff, since the agent and customer in the Bateman system already communicate

over a voice connection ("Live Help"). Additionally, there is no motivation to modify Bateman in order to cause agent computer to display the URL and/or CLID originated by the customer, especially when one considers the context and stated purpose of the Bateman system. No such suggestion or motivation exists within Bateman to make such a modification. In fact, Bateman explicitly teaches away from a modification to the Bateman system which would cause it to display caller-originated information when Bateman states that it is an "object of the invention to make this process faster and simpler so as to improve the likelihood of a successful connection to a live agent." (Bateman, Col. 2, lines 1-3). Requiring the agent computer 18 to display the caller-originated information before using the same would increase the amount of time and complexity required for the agent to respond to customer inquiries. As a result, longer delays would be experienced and customers would be more likely to abandon their inquiries.

Hence, it is improper to combine Bateman and Wolff, as the Examiner attempted in the October 13, 2006 Final Office Action without some disclosed motivation other than the present application. See, MPEP 2143.01:

> "There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held improper.).

Even if one were to combine Bateman and Wolff, the present invention is not realized. The combination of Bateman and Wolff discloses personal telephone and multimedia manager that is capable of receiving calls from a calling party, scanning large volumes of files and providing instructions on how to route the calls. However, the combination of Bateman and

Wolff does not disclose, teach or suggest, inter alia, an apparatus for caller information retrieval that includes a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1.

Thus, even the improper combination of Bateman and Wolff does not render claim 1 obvious. As such, this rejection is respectfully traversed.

Claims 16, 27 and 28 are not rendered obvious by Bateman alone or in combination with Wolff for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 16, 27, and 28 are respectfully traversed.

Claims 3-15, 17-26, and 29 are dependent on independent claims 1, 16, and 27, respectively. Thus, claims 3-15, 17-26, and 29 are not rendered obvious for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 3-15, 17-26, and 29 are respectfully traversed.

CONCLUSION

All pending claims of the application are valid over the cited references. Allowance of the application is respectfully requested.

Dated: May 14, 2007

Respectfully submitted,

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CLAIMS APPENDIX

Copy of Claims

1. (Previously Presented) Apparatus for caller information retrieval comprising:

a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to said calling party;

a graphical user interface (GUI) electrically coupled to said CSRS and configured to receive and display information from said CSRS;

wherein said information received from said CSRS originates from said calling party;

wherein via a soft-key or graphical button, said GUI is configured to selectively initiate another message being sent from said CSRS to said calling party.

2. (Canceled)

3. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said GUI displays a plurality of possible messages that may be sent from said CSRS to said calling party.

4. (Previously Presented) The apparatus for caller information retrieval according to Claim 3 wherein at least one of said plurality of messages is customizable.

5. (Previously Presented) The apparatus for caller information on retrieval according to Claim 1 wherein said CSRS further includes a voice recognition program which is capable of converting voice signals into text messages.

6. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS further includes a voice recognition program which is capable of converting text messages into voice signals.

7. (Previously Presented) The apparatus for caller information retrieval according to Claim1 wherein said GUI provides an option for bypassing said CSRS.

8. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is an adjunct to a telephone.

9. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is capable of responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message to each of said calling parties.

10. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is configured to receive voice and text messages.

11. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said message is a voice message.

12. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said message is a text message.

13. (Previously Presented) The apparatus for caller information retrieval according to Claim 1 wherein said message is a multimedia message.

14. (Previously Presented) The apparatus for caller information retrieval of Claim 1 wherein said CSRS is further capable of accessing a remote computer system in response to

receipt of said information from said calling party.

15. (Previously Presented) The apparatus for caller information retrieval of Claim 1 wherein said CSRS is further capable of forwarding said incoming call to another telephone number in response to receipt of said information from said calling party.

16. (Previously Presented) A method of servicing a call at a call center comprising:

receiving information from a caller at a customer service response system (CSRS);

displaying said information on a graphical user interface (GUI);

employing a graphical button or soft-key on said GUI to prompt said CSRS to send a message to said caller; and

transmitting said message for receipt by said caller.

17. (Original) The method according to Claim 16 further comprising selectively initiating from said GUI another message being sent from said CSRS to said calling party.

18. (Original) The method according to Claim 16 further comprising displaying on said GUI a plurality of possible messages that may be sent from said CSRS to said calling party.

19. (Original) The method according to Claim 18 further comprising customizing at least one of said plurality of messages.

20. (Original) The method according to Claim 16 further comprising converting a voice signal received from said calling party into a text message for display on said GUI.

21. (Original) The method according to Claim 16 further comprising converting a text message displayed on said GUI into a voice message for transmission to said calling

party.

22. (Original) The method according to Claim 16 further comprising bypassing said CSRS and connecting said incoming telephone call to a telephone at said call center.

23. (Original) The method according to Claim 16 further comprising said CSRS responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message to each of said calling parties.

24. (Original) The method according to Claim 16 further comprising receiving at said CSRS at least one voice message and at least one text message.

25. (Original) The method according to Claim 16 further comprising said CSRS accessing a remote computer system in response to receipt of said information from said calling party.

26. (Original) The method according to Claim 16 further comprising said CSRS forwarding said incoming telephone call to another telephone number in response to receipt of said information from said calling party.

27. (Previously Presented) A call center comprising:

call system response (CSR) means for receiving information from a plurality of telephone calls and for playing a message in response to receipt of at least one of said telephone calls;

graphical user interface (GUI) means coupled to said CSR means for displaying said information from said plurality of telephone calls;

wherein said GUI means includes a graphical button or soft-key for initiating a customized response to said information from said at least one of said telephone calls.

28. (Previously Presented) A call center comprising:

a customer service response system (CSRS) capable of simultaneously responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message for receipt by each of said calling parties;

a graphical user interface (GUI) electrically coupled to said CSRS, configured to display information from said CSRS that originated from at least one of said plurality of calling parties and to display at least one custom message which is selectable for playing with a graphical button or a soft-key; and,

voice recognition software included within said CSRS;

wherein information from at least one of said calling parties is received by said CSRS as a voice signal;

wherein said voice recognition software is configured to convert said voice signal into a text message for display on said GUI.

29. (Previously Presented) The call center according to Claim 27 wherein said GUI means is further configured to display a plurality of messages, each selectable by a graphical button or a soft-key, that may be sent from said CSR to said calling party.

EVIDENCE APPENDIX

Not Applicable.

RELATED PROCEEDINGS APPENDIX

There are no known appeals, interferences or other proceedings related to this application.